



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC FINES SBC COMMUNICATIONS, INC. \$100,000 FOR VIOLATING ENFORCEMENT BUREAU ORDER

Washington, D.C. – Today the Federal Communications Commission fined SBC Communications, Inc. (“SBC”) \$100,000 for violating an Enforcement Bureau order directing the company to provide sworn verification of the truth and accuracy of its answers to a Bureau letter of inquiry.

In connection with an investigation into SBC’s provisioning and maintenance of digital subscriber line service and possible misrepresentations by SBC, the Enforcement Bureau ordered SBC to provide a sworn written response to certain questions. SBC responded, but did not include the requisite sworn statement. When the Bureau inquired about the missing sworn statement, SBC said that it had intentionally omitted the sworn statement. On November 2, 2001, the Bureau issued a Notice of Apparent Liability (“NAL”) proposing a \$100,000 forfeiture against SBC, and providing SBC with an opportunity to respond.

In today's action, the Commission unanimously confirmed the authority of the Commission and the Bureau to require regulated entities to support responses to letters of inquiry with a sworn statement. The Commission's order emphasized the “critical” importance of sworn statements, particularly when, “as in this case, a core question at issue is whether a carrier has engaged in misrepresentation to the Commission.” The Commission also reiterated that “a licensee cannot ignore a Commission order simply because it believes such order to be unlawful.” Finally, the Commission rejected SBC's contention that the \$100,000 forfeiture that the Enforcement Bureau proposed in its NAL was excessive. The Commission agreed with the Bureau that SBC's failure to provide the required sworn statement “obstructs” the Bureau's investigation and “strikes at the core of the Bureau's ability to perform its function.”

Action by the Commission, April 9, 2002, Forfeiture Order (FCC 02-112). Chairman Powell, Commissioners Abernathy, Copps, and Martin.

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